

# The struggle for a new labor regime: The US

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The story of the American labor movement since the 2008 economic crisis is one of both continuity and change. The United States occupies a central position in the global order, and fits the category of a liberal market economy with voluntarist, decentralized firm- or shop-level collective bargaining and lower union density (Hall and Soskice, 2001). Yet it remains subject to the larger forces of the world economy, as they have played out in the American context. In this essay, I begin with a brief review of the structural and institutional conditions for labor, and developments within the movement before the 2008 crisis. I then discuss the impacts of the financial crash and the immediate policy response, the subsequent corporate political offensive against unions, and workers' organizing initiatives in the new environment. The conflicts have only intensified under the current Trump administration, and a decade into the economic recovery much still hangs in the balance.

## Structural trends

Several broad processes shaped conditions for American workers in the years leading up to the crisis. First is the financialization of the economy and the re-structuring of the corporation, as large firms shifted from a welfare-capitalist model of job security, internal labor markets, and employer-provided benefits in core industries to

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a network model of flexible production with downsized employment and a focus on maximizing shareholder value (Davis, 2009). Within the labor process, this has led to the rise of a “fissured” workplace, in the form of subcontracting, the use of temporary help agencies, (mis)classification of workers as independent contractors, franchise ownership, and other ways of reducing labor costs (Weil, 2014). For workers, this often means precarious working conditions including poor wages and benefits, insecure or unstable jobs, informalization, and increased violations of basic labor standards (Kalleberg, 2011). While the scope of “gig” labor using digital platforms may still be limited, the growth of non-standard work in the US may reflect second or third jobs for workers whose main jobs are no longer sufficient. Even large formal employers have adopted in-house practices of precarization, taking advantage of subcontractors or agency hires, involuntary part-time or on-call scheduling, or other types of fissured employment (Kuttner *et al.*, 2019)

Second, neoliberal globalism has shaped American domestic economic development, particularly since the 1994 North American Free Trade Agreement (Nafta) and the 2001 entry of China into the World Trade Organization (WTO). After a period of relative stability in the 1990s, manufacturing employment fell from 17.2 million in 1999 to 11.4 million in 2011 (Acemoglu *et al.*, 2016). US foreign direct investment in Mexico grew from \$17.0 billion in 1994 to around \$90 billion in 2007, and in sectors like automobiles, electronics, appliances, and machinery the supply chains are now integrated across the border (Villareal, 2019). The loss of jobs undercut membership in the industrial unions, yet globalization has also driven the spatial re-ordering of manufacturing within the US. In the auto industry, production has increasingly shifted from the northern Midwest to the Southern states, led by foreign-owned transplants and lured by lower regional wages and generous state government incentives. Between 1983 and 2011 automakers like BMW, Honda, Hyundai, Kia, Mercedes Benz, Nissan, Toyota, and Volkswagen opened assembly plants in Alabama, Georgia, Kentucky, South Carolina, Tennessee, and Texas, all of them non-union (Platzer and Harrison, 2009).

Global neoliberalism has increased both capital and labor mobility, and migrant workers have become an essential part of the American economy. In 2017 some 29 million immigrants were working or looking for work in the US, around 17% of the civilian labor force. Around a quarter or 7.6 million were undocumented, down from the peak of 8.2 million in 2007 (Radford, 2019). Competition from US agribusiness led to a net loss of 2 million Mexican agricultural jobs from 1991 to 2007, and immigration from Mexico to the US soared: The number of Mexican-born residents living in the US rose from 4.5 million in 1990 to a peak of 12.6 million in 2009, while the number of unauthorized Mexican immigrants grew from 2 million in 1990 to

6.9 million in 2007 (Weisbrot *et al.*, 2014; Passel and Cohn, 2019). Undocumented workers from all countries grew from 2.7% of the US labor force in 1995 to 5.4% in 2007, and by some estimates they form a quarter of all workers in food processing, a third of those in construction, and up to 80% of farm labor (Gleeson, 2016).

These trends have reinforced patterns of rising income inequality and polarization in the American labor market. Real hourly wages have stagnated since the 1970s for workers in the bottom half of the earnings scale while the disparity between wages at the bottom and the top has widened steadily (Kalleberg, 2011). Despite the economic growth of the late 1990s, by 2001 almost one third (31%) of American workers ages 16 to 64 made low wages, defined as annualized full-time earnings below the poverty line for a family of four, up from 25% in 1996. Low wage workers are disproportionately young, female, and racial minority, intersecting with entrenched forms of inequality in America (Loprest *et al.*, 2009). Altogether, wage inequality for full-time private sector workers increased by more than 40% between 1973 and 2007, with declining unionization directly and indirectly accounting for a fifth of the increase among women and a third of that for men (Western and Rosenfeld, 2011).

### The institutional context

These changes were facilitated by a decades-long assault on the institutional protections for workers' rights and economic welfare. The legal framework governing unions and collective bargaining in the US was established during the New Deal by the 1935 National Labor Relations Act (NLRA), administered by the federal National Labor Relations Board (NLRB). While codifying workers' rights, from the beginning Congress and the courts imposed limits on workers' class solidarity and collective action. The NLRA excluded public sector workers, and the 1947 Labor Management Relations Act (better known as the Taft-Hartley act) removed protections for independent contractors, frontline supervisors, and most professional employees. The Taft-Hartley amendments also banned sympathy strikes and secondary picketing, in effect isolating labor disputes to a single firm or bargaining unit (Getman, 2010).

Beyond this, both statutory and case law fostered the rise of a parallel, anti-union regime in the less-developed states, including the Old South which for much of the era remained under a legal system of racial apartheid. Southern and rural Congresspersons ensured that both the NLRA and the 1937 Fair Labor Standards Act (FLSA) excluded workers in agriculture and domestic labor, then the largest employment sectors for African-Americans (Quadagno, 1996). Taft-Hartley also allowed states to pass so-called "Right to Work" (RTW) laws banning unions from requiring workers covered by their contracts to pay union dues or "fair share" fees;

19 mainly Southern and Prairie states had passed such bans by 1960 (Gordon, 2016). When the public-sector union movement emerged in the 1960s and 70s, often led by minority and women workers, it was governed mainly by new state laws. Again, the same rural and Southern states either denied or restricted public-sector workers' rights (Hebdon *et al.*, 2013).

By the 1980s, the anti-union regime began to reach dominance in the private sector. Decades of NLRB and federal court rulings have in effect restored a pre-NLRA order of "judicial repression" (Rhomberg, 2012). The law gives employers wide freedom to prevent workers from organizing and replace workers who strike, while stiff sanctions threaten unions that go beyond strict limits on collective action. An entire industry of management consultants, anti-union lawyers, and security firms now uses legal and illegal methods against unions, and the penalties for employer violations are weak (Logan, 2006). The result has been a dramatic drop in union power, including strikes: The 1970s saw an annual average of 269 major work stoppages involving 1000 or more workers, by the 2000s that number had fallen to 17 and in 2009 there were no more than five (Bureau of Labor Statistics, 2011).

Other forms of worker protection have also eroded. Under the FLSA the federal minimum wage is established by Congress but has no automatic adjustment for inflation; its current level of \$7.25 per hour is below the federal poverty line for a full-time worker with a family of two. States can set higher minimums, but 21 states, mainly in the South and central West, remain at the low federal rate (Cooper, 2017). Employers misclassify millions of workers as independent contractors, who typically are denied employer-provided health insurance, pensions, and other benefits, and are not covered by federal wage and overtime laws, social security, unemployment insurance, workers' compensation, or rights to unionize under the law (Carré, 2015).

### Labor movement repertoires

The decline of unionization forced the American labor movement to look for new forms of organization and action, both within and apart from unions and collective bargaining. The Service Employees International Union (SEIU)'s Justice for Janitors (JfJ) campaigns emerged in the 1980s to confront the outsourcing of work in building services. Rather than pursuing NLRB elections at each subcontractor, the union targeted the building owners or corporations who were the prime contractors. Organizers focused on the local community, fostering solidarity among often immigrant workers and reaching out for public support. Only after the owners were willing to provide resources for a standard agreement covering all contractors would the union seek formal recognition at the smaller firms (Rolf, 2016; Rosenblum, 2017).

Recent decades have also seen the rise of non-profit “worker centers” for domestic workers, undocumented immigrants, and others who lack access to collective bargaining rights (Fine *et al.*, 2018). Like early 20<sup>th</sup> century immigrant settlement houses in American cities, worker centers function as community-based organizations that connect workers to services while advocating for reform. An estimated 226 centers were operating in 2018, mainly in liberal big cities and states. Most are small, lack formal memberships, and rely on external funds from philanthropic foundations and government, although recent years have seen the growth of national networks like the National Domestic Workers Alliance and the National Day Laborers Network. Free of the laws limiting unions, worker centers have greater tactical flexibility and gain leverage from other parts of the state, using local and state regulatory authorities to enforce working standards, win back pay for wage violations, and pass new protections for marginalized groups like domestic workers or home care aides (Milkman and Ott, 2014).

While change has been uneven, American unions have broadened their base through new organizing strategies, outreach to excluded workers, alliances with community actors, and appeals to the public. In 2000, the national American Federation of Labor – Congress of Industrial Organizations (AFL-CIO) reversed its longstanding opposition to immigration, recognizing the growing role of immigrant workers in the economy and in several unions (Gleeson, 2019). At the same time, professionals like college teachers, new media journalists, tech workers, and others have turned to unionization to address exploitive conditions in their fields. Yet private sector union density remains historically low, down from 24.2% of employed workers in 1973 to 6.4% in 2018, or around 7.6 million members (public sector union density was around 34% in 2018 with 7.2 million members; see Hirsch and MacPherson, 2019).

### The great recession

These conditions set the stage for the impacts of the 2008 crisis. The US economy officially was in recession from December 2007 to June 2009; unemployment rose to 10% by October 2009 and did not fall below the pre-recession rate of 5% until late 2015. Those who lost work were unemployed for longer on average than in previous recessions, and a substantial share of full-time job losers could find only part-time re-employment (Farber, 2015). The slow growth and wage stagnation of the 2000s continued for most workers during the recovery, with most gains going to the top percentiles, continuing the pattern of rising wage inequality (Gould, 2018).

The financial crash sparked a political crisis that led to the 2008 election of Barack Obama as the nation’s first African American president and a Democratic Party majority in Congress. Unlike the New Deal of the 1930s, however, the government’s

economic bailouts and stimulus did not alter previous patterns of neoliberal policy-making and corporate power (Young, Banerjee and Schwartz, 2018). The Troubled Asset Relief Program (TARP), established by Congress in October 2008 under President George W. Bush, pledged \$700 billion to prevent the collapse of the US auto industry, inject capital into and stabilize the banking and financial industries, and help prevent home foreclosures (Blinder and Zandi, 2010). The American Recovery and Reinvestment Act (ARRA), passed in February 2009, authorized \$787 billion in fiscal stimulus in the form of tax cuts to businesses and consumers, assistance to individuals and families, funds to states and localities for health care and education, and investments in infrastructure and other projects.

Yet, the Obama administration avoided forcing big banks to accept full government control or absorb mortgage losses, and (unlike the Savings and Loan crisis of the late 1980s) no major Wall Street executives faced criminal charges for financial wrongdoing. The TARP bailout provided little real help to homeowners, while the stimulus relied more on tax cuts than direct government spending for public works. Welfare benefits like Unemployment Insurance (UI) and the Supplemental Nutrition Assistance Program (SNAP) were extended with some countercyclical effects, but only a third of displaced workers received UI benefits due to strict requirements for stable prior employment (Mettler, 2018, pp. 49-51).

Similar outcomes limited Obama's principal legislative reform, the Affordable Care Act (ACA), passed in 2010 against united Republican Party opposition. The ACA created new regulations and subsidies for private health insurance and expanded the government's Medicaid health insurance program for the poor, but preserved the market structure of most health insurance in the US. After the US Supreme Court allowed states to opt out, conservative Republican governments in 17 states refused to participate in the Medicaid expansion (Brill, 2015; Mettler, 2018, pp. 41-42).

Finally, the proposed Employee Free Choice Act (EFCA) was the labor movement's major attempt to reform labor law. EFCA would have allowed unions to win recognition through a "card-check" majority rather than endure employers' anti-union tactics in an NLRB election. It also would have mandated arbitration for a first contract after 90 days, and imposed stronger penalties on employers' unfair labor practices. Business groups vigorously opposed EFCA, with the US Chamber of Commerce alone committing \$20 million to defeat it (Milkman, 2019). Despite a Democratic Congressional majority, the bill failed to win 60 Senate votes to overcome a filibuster. The issue died after the 2010 elections when Republicans gained a majority in the House of Representatives.

Without statutory reform, the barriers to organizing new union members remained steep. In 2014 the United Auto Workers (UAW) persuaded Volkswagen

management (with help from the German union IG Metall) to remain neutral in an NLRB election in its Chattanooga, Tennessee, plant. Conservative national groups quickly descended on the city, raising more than \$100,000 for an anti-union campaign with public meetings, media outreach, and 13 billboard signs with slogans like “United Obama Workers.” Conservative leaders admitted that defeating the UAW was crucial to keep organized labor weak in the Southern states, while the state’s Republican governor, top legislators, and US Senators spoke out and hinted that future capital investment and state aid depended on workers rejecting the union. On February 14, 2014, the union lost by 712 to 626 votes (Drawbaugh and Carey, 2014; Elk, 2014).

### The corporate offensive against unions

The Chattanooga defeat reflected a wave of conservative political mobilization against labor that took off in the 2010s. While private sector unions had been declining for decades, in states that allowed public sector unions they remained strong (Hebdon *et al.*, 2013). Now, they too became the target of a conservative business counter-offensive. In January 2010 the U. S. Supreme Court’s *Citizens United* decision removed all restrictions on corporate political communications, and groups like Charles and David Koch’s Americans for Prosperity (AFP) and others led an upsurge of corporate political activity especially at the state level. In the fall 2010 elections, Republicans won unified control of the governorship and legislature in 11 states including Indiana, Michigan, Ohio, Pennsylvania, and Wisconsin (Lafer, 2017). Working with the American Legislative Exchange Council (ALEC), an organization of state legislators and corporate sponsors, and its affiliated State Policy Network (SPN), the new conservative state governments moved quickly to cut public spending and attack unions and workers’ rights.

In Wisconsin, newly-elected Governor Scott Walker pushed through Act 10 which all but eliminated collective bargaining rights for 175,000 state employees. Act 10 prompted mass protests and an 18-day occupation of the state Capitol by union members and supporters who began a recall effort against Walker. However, AFP and the SPN-affiliated MacIver Institute spent an estimated \$2.9 million on television ads to support Walker’s agenda, and the Wisconsin Manufacturers and Commerce group gave \$3 million to keep him in office. Within four years, Wisconsin public worker unions had lost almost 100,000 members (Lafer, 2017, pp. 48-50; Fischer, 2012). By 2015, 15 states had passed a range of new restrictions on public workers’ union rights (Ohio passed a law similar to Wisconsin’s, but it was rescinded in a ballot referendum – see Hebdon *et al.*, 2013).

The results drove the anti-union legal regime deep into the formerly pro-labor industrial Midwest, and soon included the private sector. Between 2012 and 2017, five states enacted new RTW legislation, including Indiana, Michigan, Wisconsin, West Virginia, and Kentucky (Missouri's law was overturned by a 2018 referendum). In states not under Republican control, ALEC and its allies pursued litigation in federal court, including strategic cases to prevent public-sector unions from collecting "fair-share" fees from non-members covered by their contracts. In 2018, the US Supreme Court's *Janus* decision outlawed such fees, creating the equivalent of RTW in the public sector nationwide. So far, it appears that public-sector unions have lost non-member fee-payers but through internal organizing have sustained most of their membership and budgets, though the effects vary by states (Rainey and Kulgren, 2019).

At the federal level, the Obama administration appointed pro-labor officials at the Department of Labor and the NLRB, increased enforcement of wage and hour laws, and extended other protections to previously excluded groups. NLRB case rulings made it somewhat easier for workers to win union representation, including the 2015 *Browning-Ferris* decision that directly challenged the fissured workplace, holding firms using subcontractors or franchisees liable as a "joint employer." More substantive change was often stymied by Republicans in Congress, however, and many of the administrative orders were subject to reversal by the courts or after Obama left office (Milkman, 2019). With a political stalemate in Washington, much of the initiative in the labor movement shifted to US cities and states.

New actors and arenas

#### **Fast food workers and the fight for a \$15 wage**

In the wake of the 2010 elections, the SEIU began its Fight for a Fair Economy program, reaching out to low-wage workers, including those in fast food. Primarily women, minorities, or immigrants, fast food workers have poor wages and benefits, often irregular hours, and are easily replaced, scattered among thousands of franchise outlets. The union partnered with longtime community-based allies and initially adopted a worker center approach, invoking the cultural legacy of the civil rights and women's movements. In November 2012, some 200 workers from 40 fast food outlets in New York City staged a one-day walkout, the largest work stoppage in the industry to that time, demanding "\$15 and a union". Framed as a short, symbolic demonstration, the strike attracted wide attention and quickly sparked a larger movement. By the end of 2016 the campaign had mobilized a dozen nationally co-

ordinated one-day strikes in cities across the country, with participation from tens of thousands of workers and supporters (Rhomberg, 2018). Along with the 2011 Occupy protests and similar walkouts at Walmart (Reich and Bearman, 2018), the fast food strikes vividly dramatized the problems of low wages and income inequality and transformed popular political discourse.

Even so, the strikers were a tiny fraction of the fast food labor force and their symbolic actions caused almost no direct economic costs for the brand corporations. Instead, SEIU pursued two strategies: Following the JfJ model, organizers initially avoided NLRB elections at the franchise outlets, targeting public protests at the brands and especially industry leader McDonald's. The campaign rallied at McDonald's annual shareholders' meetings in the US and brought pressure worldwide, working with Brazilian labor federation CGT to pursue charges against McDonald's franchise operator in Brazil, and backing Italian consumer groups' antitrust complaint with the European Commission (Lewis and Barm, 2016). To open a path to legal recognition in the workplace, the union filed its own joint employer case against McDonald's, and complaints against the corporation and its outlets were authorized by the NLRB General Counsel in 2014. After years of litigation, however, the NLRB under the Trump administration approved a settlement that relieved McDonald's from liability for the labor practices of its franchisees (Selyukh, 2019).

The movement's greatest economic gains have come not directly from employers but through a second strategy: raising local and state minimum wages. In April 2012 a regional SEIU coalition began organizing subcontracted workers at the Seattle-Tacoma International Airport. When employers refused to bargain, the campaign mobilized a local ballot referendum to mandate a \$15 wage, passed in November 2013. The initiative covered only a small number of workers, but along with the fast food strikes it had a powerful impact on the city elections in nearby Seattle. Through a combination of popular electoral mobilization and the institutional power of SEIU and other unions, in May 2014 Seattle became the first major American city to approve a \$15 minimum wage. The victory was followed by similar wins in Los Angeles, San Francisco, Minneapolis, and Washington D.C., and by mid-2019 seven states had passed laws to phase in a \$15 minimum, covering 30% of the US workforce (Rolf, 2016; Rosenblum, 2017; Marr, 2019).

In less than seven years, the "Fight for \$15" has won extraordinary gains that few observers anticipated at the outset. By 2017 SEIU had spent at least \$40 million dollars on the campaign, but without union contracts with employers it has not yet gained new dues-paying members in fast food. The campaign has forged ties with other social movements like Black Lives Matter and #Me Too, and extended its base to include airport workers, health aides, and others (Corbett, 2018; Haines Whack,

2017). In September 2019, the powerful, 175,000-member SEIU Local 32BJ announced a unionization drive among workers at McDonald's and corporate-owned Chipotle outlets in the New York City area (Greenhouse, 2019). Yet it remains to be seen if it can achieve the twin goals of "\$15 and a union" in fast food.

### Innovations in local governance

The campaign also helped build the movement for increased local and state regulation of labor standards. At least 10 states and 23 cities and counties have passed laws mandating paid family and medical leave days, which are not required under federal law (National Partnership for Women and Families, 2019). Six major cities (Chicago, New York City, Philadelphia, San Francisco, San José, and Seattle,) and the state of Oregon have passed fair workweek laws requiring advance notice of scheduling and regular hours for workers in retail, food service, and health care, while 9 states and the city of Seattle have adopted protections for domestic workers' rights (Wykstra, 2019; Poo, 2019). In November 2019, California passed a landmark law codifying the state supreme court's 2018 *Dynamex* decision limiting misclassification of workers as independent contractors by employers, including gig economy firms like Uber (Dickey, 2019).

Ensuring compliance with the new laws can be hard for local governments, but it also provides worker centers the chance to participate in "co-enforcement" through investigating and reporting violations and reaching out to workers, especially immigrants, who may be reluctant to come forward on their own (Fine, 2017). The shift from union collective bargaining to a political and regulatory strategy, however, moves onto a different institutional terrain with its own actors, rules, and resources. So far, local reforms have succeeded in liberal cities or states with Democratic majorities in government, but they face strong counter-mobilization in Republican-dominated areas especially in the South and Midwest. At least 25 states have passed laws preventing their cities from adopting higher minimum wages, while most of the same states have imposed new restrictions on voting, including strict identification requirements, barriers to registration, and others (National Employment Law Project, 2017a; Brennan Center for Justice, 2019).

### A nation divided: the 2016 presidential election

By 2016, American workers were still struggling to recover from the recession under a divided regime that often failed to recognize their economic needs. Their grievances found a voice in the presidential campaign of Senator Bernie Sanders,

an independent socialist who challenged the neo-liberal establishment candidate Hillary Clinton in the 2016 Democratic Party primaries. Under the American two-party system, the Republicans' use of federal government power against labor gives unions a strong incentive to back Democrats to avoid further crackdown. Most unions backed Clinton as the presumptive nominee, but Sanders was supported by the Communications Workers of America (CWA), some smaller unions, and dozens of local affiliates, while the AFL-CIO and UAW delayed endorsing Clinton to oppose her support for the Trans-Pacific Partnership trade pact (Gautney, 2018; Weaver, 2018). In a surprising show of popular strength, Sanders won primaries in 22 states, including Indiana, Michigan, Minnesota, West Virginia, and Wisconsin (Andrews, Bennett and Parlapiano, 2016).

In the general election, Republican Donald Trump lost the popular vote but won enough states to become the US president, eking out razor-thin margins in Michigan, Pennsylvania, and Wisconsin. There is scarcely room here to consider all the factors contributing to that result, including the global rise of right-wing populism, the hard right turn of the Republican Party since the 1990s, a transformed partisan media environment, Trump's overt racism, sexism, and xenophobia, and his role as a celebrity, among others. Here, I note only that Trump did not win the vote as much as Clinton lost it.

In Wisconsin, Trump won nearly the same number of votes as Republican candidate Mitt Romney did in 2012, but Clinton got 230,000 fewer votes than Obama in 2012. In Michigan, Clinton received 300,000 fewer votes than Obama, largely due to dramatic declines in Black and Hispanic turnout (Frey, 2017). Although exit polls showed whites without college degrees voted overwhelmingly (66%) for Trump, turnout for this group nationally was about the same as in 2012. Trump won 5 Midwestern and industrial states that voted for Obama in 2012: Iowa, Michigan, Ohio, Pennsylvania, and Wisconsin. In all of them, turnout for non-college-educated whites either saw no meaningful change or actually declined (Mellnik, *et al.*, 2017).

Despite popular media images, there was no great outpouring of white working class turnout for Trump. Around two-thirds of Trump voters came from the top half of the income distribution, while white working class voters (without college degrees and making less than \$50,000 per year) made up only 25% (Carnes and Lupu, 2017). Closely tied to Wall Street and the legacy of neoliberal policy under her husband William Clinton's presidency, Clinton offered little to working class voters of all racial groups. As important, the loss of union organizational resources affected the capacity for electoral mobilization. Feigenbaum *et al.* (2019) estimate that right-to-work laws reduce Democratic presidential vote share and turnout by 2 to 3.5%, with similar effects on Senate, House, and state governor's and legislative races.

## Conclusion: A critical juncture?

As a candidate Trump promised an economic populist agenda, but as president he quickly abandoned any pro-worker stance, pursuing de-regulation and tax cuts for business along with aggressive anti-immigrant policies, trade wars, and support for white Christian nationalism (Gleeson 2019; National Employment Law Project, 2017b). Trump's appointees on the NLRB have systematically reversed pro-labor decisions from the Obama years, and his administration has rolled back workers' rights and welfare (McNicholas, 2019). Republicans in Congress failed to repeal the ACA in 2017, but the Republican majority in the Senate has confirmed scores of conservative federal judges, perhaps locking in anti-labor judicial repression for decades. Despite the tide of reactionary policies, however, American workers have shown an unexpected resurgence of collective action in the workplace.

### The return of the strike?

In 2016, Trump won majorities in states like Arizona, Oklahoma, and West Virginia, dominated by conservative Republican governments and where public workers have few or no labor rights. For years, all three states gave tax breaks to powerful industries while cutting funds for public education, leaving their schoolteachers among the lowest-paid in the nation. Yet, in early 2018, teachers in these states led the largest US strike wave in decades (Fernández Campbell, 2019). Starting in February, 35,000 teachers and support staff in West Virginia walked out for 9 days, and in April, 45,000 strikers in Oklahoma shut down nearly half the state's school districts for the same duration. A few weeks later, 81,000 workers in Arizona closed schools statewide for 6 days, and symbolic 1-day walkouts also occurred in Colorado and Kentucky.

Before the strikes, the teachers reached out to and won support from parents and communities with whom they shared a common fate. In West Virginia, public school teachers outnumber coal mining jobs by around 40%, and in many rural counties the school district is the largest single employer. In West Virginia and Arizona, strike leaders credited the 2016 Sanders campaign for helping spark grassroots activism, and in each case participants rallied in state capitals for what were in effect political strikes against their state governments (Blanc, 2019).

Altogether, some 485,000 workers were involved in major work stoppages in 2018, the most since 1986 (Bureau of Labor Statistics, 2019). The teacher strikes continued in 2019 with major walkouts in Los Angeles, Denver, Oakland, and Chicago, including demands to reduce class sizes and hire more support staff for students (Associated Press, 2019; Lazare, 2019). The momentum also spread to

the private sector: In September and October 2018, around 6,000 workers at 26 downtown Chicago hotels, and 7,700 workers at Marriott hotels in Boston, Detroit, California, and Hawaii, struck simultaneously for several weeks. Declaring “one job should be enough,” strikers demanded safe working conditions, health insurance during seasonal layoffs, and wages that would not force them to work multiple jobs to meet basic needs (Freund, 2018; Philp, 2018). The following April, 31,000 grocery workers in New England went out for 11 days, winning better pay and health care coverage (Garcia, 2019). In September 2019 more than 49,000 UAW members struck General Motors for 6 weeks, the longest US automotive strike in 50 years. Reversing concessions from even before the auto bailouts, the UAW won a phase-out of the two-tier wages agreed to in 2007 and a path for thousands of temporary workers to become permanent (LaReau, 2019).

The strikes showed the prospects for resistance to the anti-union regime, even in conservative states. In the private sector, strike demands have contested the fissured workplace, while the public sector actions allied with popular needs as in the emerging model of “bargaining for the public good” (Sniderman and McCartin, 2018). The 2018 teachers’ strikes won gains in pay and benefits, while generating thousands of new union members and dozens of candidates for local elections. They have not yet secured new rights for workers to organize, however, and future funding and fair distribution of taxes remain at issue in many cases.

The current economic recovery in the US has lasted a record 127 months through January 2020, and while there are no immediate signs of a new downturn, the next few years could prove volatile economically and politically (Center on Budget and Policy Priorities, 2020). Much is at stake for the American labor movement: Organizers have developed innovative strategies and won important victories, but economic inequality persists and millions of workers struggle with low or stagnant incomes. A new militancy has emerged, but it faces obstacles in the workplace and at the ballot box. Workers express opposition to neo-liberalism and support for social welfare, but Trump has mobilized a loyal base through appeals to intense ethnocentric nationalism.

The polarization in American politics is not just in public opinion but in the institutions governing labor and civic life. Can the new organizing and militancy overcome the repressive anti-union regime and achieve durable gains and institutionalized working class power? Democrats in Congress have sponsored a bill to eliminate Taft-Hartley provisions on RTW and secondary boycotts, while others advocate for the institutionalization of sectoral bargaining (Matthews, 2019). The Fight for \$15, the 2016 Sanders campaign, and the teachers’ strikes helped advance the movement in conservative states, and the 2020 presidential election could do

the same. The risks are high and outcomes by no means clear, but what seems clear is that the struggle now extends across the arenas of the workplace, the community, and public politics.

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### Abstract

*The struggle for a new labor regime: the us*

This essay examines the American labor movement since the 2008 economic crisis. I begin with a brief review of the structural, institutional, and organizational conditions for labor before the crisis, including changes in employment and the labor force, the conflict between New Deal and anti-union labor regimes, and the emergence of new repertoires in the labor movement. These form the context for the financial crash, and the failure of policy to challenge corporate power. I then discuss the conservative political offensive against unions and movement initiatives at state and local levels. The conflicts have intensified under the Trump administration, with a resurgence of strike activity and the polarization of institutions governing labor and civic life.

Keywords: USA; Unions; Great recession; Strikes.

### Resumo

*A luta por um novo regime de trabalho: o caso norte-americano*

O artigo estuda o movimento sindical norte-americano desde a crise econômica de 2008. Re-construímos, inicialmente, as condições estruturais, institucionais e organizacionais do trabalho antes da crise, incluindo mudanças no emprego e na força de trabalho, o conflito entre New Deal e regimes de trabalho antissindicais e a emergência de novos repertórios no movimento sindical. Discutimos, em seguida, a ofensiva política conservadora contra os sindicatos e as iniciativas do movimento no plano federal e local. Os conflitos se intensificaram durante a administração Trump, com o ressurgimento da atividade grevista e a polarização das instituições que governam o trabalho e a vida civil.

Palavras-chave: EUA; Sindicalismo; Recessão; Greves.

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